

## **REMARKS/ARGUMENTS**

This is intended to be a full and complete response to the Office Action dated May 25, 2005. Claims 1, 2, 6, and 7 have been amended. Support for such amendments can be found throughout the specification, for example in Figures 1 and 1A, and the descriptions thereof. New dependent claims 11 and 12 have been added. Support for such claims can be found, for example, in the drawings. Upon entry of this amendment, claims 1-12 are pending in this application. No new matter has been added. In view of the amendments presented above and the following discussion, the Applicants believe that all claims are in allowable form.

### **I. CLAIMS 2 AND 7 MEET THE REQUIREMENTS FOR 35 U.S.C. 112.**

The Examiner has rejected claims 2 and 7 under 35 U. S. C. § 112, second paragraph, as being indefinite. In particular, the Examiner states that “it is not clear what is meant by ‘an area defined within each of said plurality of macrofeatures.’”

In reply, applicants respectfully submit the claims as originally presented met all requirements of 35 U.S.C. 112. Nevertheless, in light of the amendments herein, such term has been removed from the claims, which claims are clearly definite. Accordingly, the Examiner’s rejection has been rendered moot and should be withdrawn.

### **II. THE PENDING CLAIMS ARE PATENTABLE OVER THOMAS**

The Examiner rejected claims 1-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,242,074 issued to Thomas (“Thomas”)<sup>1</sup>. Applicants submit that pending claims 1-10 are not anticipated by this reference. In particular, while applicants submit that Thomas fails to teach several of the claimed limitations, including any macrofeatures as required in the claimed invention, Thomas clearly fails to teach or suggest any two-layer structure comprising a first layer and second layer wherein the second layer comprises apertures defined by aperture sidewalls that are spaced from the first layer of the structure as required in the claimed invention.

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<sup>1</sup> Applicants do not necessarily agree that this patent is properly cited as prior art and hereby reserve the right to swear behind such patent at a later date.

Rather, Thomas discloses structures made by a bonding fibrous material to a film layer having a plurality of apertures, with no teaching of macrofeatures or apertures defined by apertured sidewalls in one layer that are spaced apart from another layer. Instead, all apertures and aperture sidewalls in the apertured film of Thomas are in direct contact with the layer(s) bonded to the apertured film. As known in the art, apertures are openings, formed for example by penetrating a substrate with needles, fluid streams, and the like, which, as a result of such penetration, tend to extend from the contacted side of the substrate through the side opposite of the contacting side. Such apertures are likewise thus defined by sidewalls that extend from one end of the substrate to the other. Accordingly, as seen in Thomas, the contact of one or more second layers directly on to *either side* of the apertured film layer (even the side wherein the aperture sidewall further creates a protuberance), necessarily places that second layer in direct contact with the aperture that extends through the apertured film, and the aperture sidewall defining that aperture which likewise extends through the apertured film. Accordingly, Thomas does not teach each and every limitation of the claimed invention and the rejection should be withdrawn.

### **III. THE PROVISIONAL DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN**

In light of the above amendments and remarks, the only rejection remaining in the instant matter is the Examiner's provisional rejection. As such, the provisional rejection should be withdrawn and the case allowed. Applicants reserve the right to file a terminal disclaimer to obviate this rejection, should the conflicting claims be patented before allowance of the instant matter

### **IV. CONCLUSION**

Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that

the Examiner telephone Brett Freeman at 732-524-3428 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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